

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF MASSACHUSETTS**

\*\*\*\*\*

**IN RE:**

**JASON N. VECCHIARELLO,  
DEBTOR**

**CHAPTER 13**

**CASE NO. 14-41493 MSH**

\*\*\*\*\*

**MOTION TO AVOID JUDICIAL LIEN**

Now comes the Debtor, JASON N. VECCHIARELLO, in the above-entitled matter and shows the court as follows:

1. Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code on July 1, 2014.
2. Midland Funding LLC, Creditor, obtained a judicial lien in the form of an Execution issued by Lowell District Court on August 23, 2013 against Debtor's interest in his residence at 81 Salem Road, Unit 64, Billerica, Massachusetts in the sum of \$7,693.06 which is recorded at the Middlesex North District Registry of Deeds Book 27684, Page 193 and filed on September 18, 2013.
3. The amount of the lien as of the date the Petition was filed is approximately \$7,693.06.
4. The property is subject to a first mortgage held by Stoneham Bank in the approximate amount of \$163,019.00 at the time of the filing of the petition.
5. The Debtor is claimed a homestead exemption as provided under 11 U.S.C. §522(d)(1) in the amount of \$16,981.00.
6. The total value of the property is approximately \$180,000.00 based upon Market analysis from Charlene McCarthy of American Dream Homes, Inc. dated June 3, 2014 a copy of which is attached hereto.
7. Using the formula under 11 U.S.C. §522(f)(2)(A), the property is valued at \$180,000.00, minus the mortgage of \$163,019.00 leaves equity in the sum of \$16,981.00 representing the Debtor's equity.
8. The Debtor contends that the entire amount of the lien is avoidable as shown above.

Now therefore, Debtor respectfully moves that this Honorable Court avoid the entire judicial lien of Midland Funding LLC pursuant to 11 U.S.C. §522(f) and for such further relief as the court deems mete.

/s/ Jon H. Kurland  
Jon H. Kurland, Esquire  
KURLAND & GROSSMAN, P.C.  
139 Billerica Road  
Chelmsford, Massachusetts 01824  
Telephone: (978) 256-2660  
BBO# 281620  
[jkbkcy@kurlandgrossman.com](mailto:jkbkcy@kurlandgrossman.com)

CERTIFICATE OF SERVICE

I, Jon H. Kurland, Esquire, state that on September 10, 2014, I electronically filed the foregoing Motion to Amend with the United States Bankruptcy Court for the District of Massachusetts using the CM/ECF System. I served the foregoing document on the following CM/ECF participants.

Denise M. Pappalardo, Chapter 13 Trustee

Richard King, US Trustee

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non CM/ECF participants:

/s/ Jon H. Kurland  
Jon H. Kurland, Esquire  
KURLAND & GROSSMAN, P.C.  
139 Billerica Road  
Chelmsford, Massachusetts 01824  
Telephone: (978) 256-2660  
BBO# 281620  
[jkbkcy@kurlandgrossman.com](mailto:jkbkcy@kurlandgrossman.com)

Midland Funding LLC  
8875 Aero Drive  
San Diego, CA 92123

Midland Funding LLC  
c/o Grace Marie-Vistoria Calamita, Esq.  
Law Office of Howard Lee Schiff, P.C.  
510 Holland Street  
P.O. Box 280245  
East Hartford, CT 06128-0245

**Jason Vecchiarello**

---

**From:** jasonvecc@comcast.net  
**Sent:** Tuesday, June 03, 2014 10:25 AM  
**To:** Jason Vecchiarello  
**Subject:** Fwd: 81 Salem Road Unit 64

---

**From:** "Charlene McCarthy" <pinergy@mlspin.com>  
**To:** jasonvecc@comcast.net  
**Sent:** Tuesday, June 3, 2014 10:19:06 AM  
**Subject:** 81 Salem Road Unit 64

Hi Jason,  
Please let me know you received this. If you need anymore information let me know. Thanks,  
Charlene

CHARLENE McCARTHY  
978-667-6888

**Comparative Market Analysis**  
To establish market value of  
**81 Salem Road Unit 64 Billerica, MA**  
**Prepared for Mr. Jason N. Vecchiarello By Charlene McCarthy**

**Prepared for Mr. Jason N. Vecchiarello**

Tuesday, June 03, 2014

Mr. Jason N. Vecchiarello  
81 Salem Road Unit 64  
Billerica, MA 01821

Dear Mr. Jason N. Vecchiarello,

THANK YOU FOR THE OPPORTUNITY TO ASSESS YOUR PROPERTY. THE PROPERTY IS TWO BEDROOM TOWNHOUSE CONDOMINIUM BUILT IN 2003. THE DEVELOPMENT KNOWN AS SALISBURY HILL ESTATES CONSISTS OF 44 UNITS OF WHICH 11 ARE AFFORDABLE. THE COMPLEX WAS BUILT UNDER A COMPREHENSIVE PERMIT KNOWN AS A 40B. ALL 44 UNITS CONSIST OF 1200 FINISHED SQUARE FEET WITH THE POTENTIAL TO FINISH THE WALK UP ATTIC. BASICALLY WHEN THE UNITS WERE MARKETING THE AFFORDABLE UNITS SOLD FOR APPROXIMATELY 70% OF THE MARKET RATE UNITS. THE CONDOMINIUM FEES AND PROPERTY TAXES WERE DISCOUNTED AS WELL. THE LAST SALE OF A MARKET RATE UNIT IN SALISBURY HILLS SOLD FOR \$249,900 ON JANUARY 25, 2014. THE 3 SOLD AFFORDABLE CONDOMINIUM UNITS USED IN THIS REPORT ARE LOCATED IN NORTH BILLERICA IN THE DEVELOPMENT KNOWN AS BARRETT FARM. ALL 3 UNITS SOLD FOR \$170,000. THESE UNITS ARE SMALLER CONSISTING OF 1080 SQUARE FEET WITH NO WALK UP ATTIC POTENTIAL. THE COMPLEX ITSELF IS QUITE DENSE CONSISTING OF 136 UNITS WHICH MAKES SALISBURY HILL ESTATES MORE DESIRABLE. BASED ON THE DIFFERENCE IN SQUARE FOOTAGE, NO ATTIC, AND COMPLEX DENSITY I DETERMINED THE VALUE TO BE \$180,000.

SINCERELY, CHARLENE MCCARTHY 978-667-6888

**Contents of this Comparative Market Analysis****Prepared for Mr. Jason N. Vecchiarello**

- Cover Page
- Introduction Letter
- Agent Resume
- Subject Property Report
- Market Analysis Summary
- Comparable Property Reports
- Sold Properties Graph
- 

**Agent Resume****Prepared for Mr. Jason N. Vecchiarello**

CHARLENE MCCARTHY  
AMERICAN DREAM HOMES, INC.  
OFFICE 978-667-6888  
FAX. 978-667-6660  
americandreamhomes@comcast.net

I HAVE BEEN SELLING REAL ESTATE FULL TIME FOR 27 YEARS.  
MY PAST EXPERIENCE AS A LICENSED APPRAISER HAS GIVEN ME A VAST  
KNOWLEDGE IN APPRAISING PROPERTIES FOR SALE. I SELL  
RESIDENTIAL, LAND, AND COMMERCIAL PROPERTIES. I HAVE EXPERIENCED MOST  
EVERY SCENARIO IN THE BUSINESS AND CAN GUIDE YOU THROUGH A SUCCESSFUL  
TRANSACTION.

I AM LOOKING FORWARD TO WORKING WITH YOU IN THE SALE OF YOUR PROPERTY.  
SINCERELY,  
CHARLENE MCCARTHY

<p align="center"><b>Subject Property</b> <b>Prepared for Mr. Jason N. Vecchiarello</b></p>
---

**81 Salem Road Unit 64 Billerica, MA 01821**

**Bedrooms :**

2

**Bathrooms :**

1.5

**Living Area (Square Feet) :**

1200

**Lot Size (Square Feet) :**

**Year Built :**

2003

**Property Features :**

<p align="center"><b>Market Analysis Summary</b> <b>Prepared for Mr. Jason N. Vecchiarello</b></p>
--

**Properties Recently Sold**

Number of Properties: 3

Document Page 6 of 12  
Price Range: \$168,000 to \$170,000

Average Price: \$169,333

Median Price: \$170,000

Address	City	Beds	Baths	Full	Half	Living Area(Square Feet)	Days onMarket	List Price	Sale Price	SP%of LP
41 Boston Rd Unit:113	Billerica, MA	2	1		1	1044	84	\$170,000	\$168,000	99%
41 Boston Rd Unit:463	Billerica, MA	2	1		1	1080	137	\$170,000	\$170,000	100%
41 Boston Rd Unit:311	Billerica, MA	2	1		1	1020	8	\$170,000	\$170,000	100%

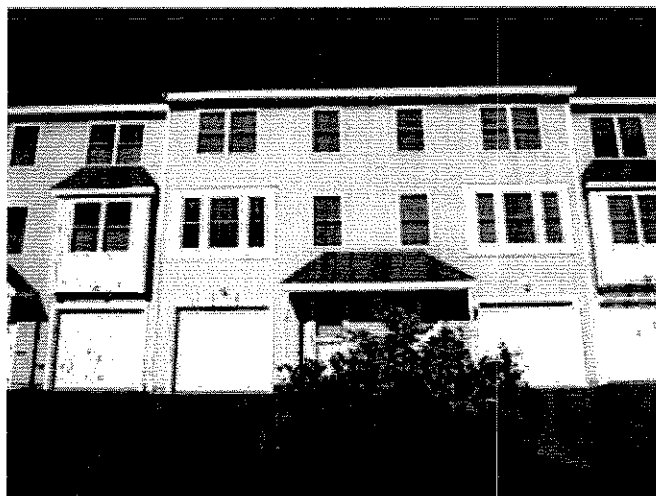
**Property Descriptions**  
**Prepared for Mr. Jason N. Vecchiarello**

**41 Boston Rd - Unit 113**  
**Billerica, MA 01862-1035**  
**Condo**

MLS #: **71573075**      Status: **Sold**  
List Price: **\$170,000**      Sale Price: **\$168,000**  
List Date: **8/21/2013**      Sale Date: **12/27/2013**  
Area:      Off Market Date:  
                 **11/13/2013**  
List\$/SqFt: **\$162.84**      Sold\$/SqFt: **\$160.92**  
Days on Market (Total): **84** Days on Market (Office): **84**

**Property Features**

Rooms: **5**      Style: **Townhouse**  
Bedrooms: **2**      Type: **Condo**  
Baths: **1f 1h**      Unit Level **1**  
Master Bath:      Placement: **--**  
Fireplaces: **0**      Apprx Living Area: **1044 sq.ft.**  
Year Built: **2009**      Outdoor Space Avail: **Yes - Common**  
# Units: **44**      Garage: **1 Attached, Under, Garage Door Opener, Storage**  
Elevator: **No**      Parking: **2 Off-Street, Tandem**  
Handicap Access/Features: **No**  
Association: **Yes** Fee: **\$137**  
Fee Includes: **Master Insurance, Exterior**



**Maintenance, Road Maintenance, Landscaping,  
Snow Removal, Refuse Removal****Room Descriptions**

<b>Room</b>	<b>Level</b>	<b>Size</b>	<b>Features</b>
Living Room:	1	12x18	Flooring - Hardwood
Dining Room:	1		Flooring - Vinyl, Balcony / Deck, Slider
Kitchen:	1		Flooring - Vinyl, Countertops - Stone/Granite/Solid, Countertops - Upgraded, Cabinets - Upgraded, Deck - Exterior, Exterior Access, Slider, Stainless Steel Appliances
Master Bedroom:	2	12x16	Ceiling Fan(s), Closet, Flooring - Wall to Wall Carpet, High Speed Internet Hookup
Bedroom 2:	2	14x10	Closet, Flooring - Wall to Wall Carpet
Bath 1:	1	6x6	Bathroom - Half, Flooring - Vinyl, Countertops - Stone/Granite/Solid, Countertops - Upgraded
Bath 2:	2	10x7	Flooring - Vinyl, Countertops - Stone/Granite/Solid, Countertops - Upgraded, Dryer Hookup - Gas, Washer Hookup
Laundry:	2	--	--

**Features & Other Information**

Appliances: Microwave, Dishwasher - ENERGY  
STAR, Range - ENERGY STAR  
Basement: Yes  
Construction: Frame  
Cooling: Central Air  
Electric: Circuit Breakers  
Exclusions: Washer, dryer, fridge.  
Exterior: Vinyl  
Exterior Features: Deck  
Facing Direction: East  
Heating: Forced Air, Gas  
Hot Water: Natural Gas  
Interior Features: Cable Available  
Lead Paint: None  
Pets Allowed: Yes  
Sewer Utilities: City/Town Sewer  
Water Utilities: City/Town Water  
Waterfront: No  
Short Sale w/Lndr.App.Req: No  
Lender Owned: No

**Remarks**

Income and asset restrictions removed!!! Like new and well cared for townhouse at the Barrett Farm development. Spacious kitchen with granite countertops opening to dining area. Hardwood floors in living room. Two nice bedrooms on second floor. Attached garage, central air washer and dryer hook ups in the unit. storage room attached to garage. Dining room opens to deck and nice common yard. Close to shopping and EZ highway access. MUST be owner occupied and buyer MUST sign the deed rider (attached) Application required (attached). FHA and VA will not accept the deed rider.

**Tax Information**

2013 Taxes: \$2244 Assessment: \$156,800 Document Page 8 of 12 Cert: 00013082 Zoning Code: 3

Pin #: M:0004 B:0007 L:1-113

Map: Block: Lot: Book: 23844 Page: 218

The information in this listing was gathered from third party sources including the seller and public records. MLS Property Information Network and its subscribers disclaim any and all representations or warranties as to the accuracy of this information. Content ©2014 MLS Property Information Network, Inc.

**Property Descriptions**  
**Prepared for Mr. Jason N. Vecchiarello**

**41 Boston - Unit 463**  
**Billerica, MA 01821**  
**Condo**

MLS #: **71573783** Status: **Sold**  
List Price: **\$170,000** Sale Price: **\$170,000**  
List Date: **8/23/2013** Sale Date: **2/18/2014**  
Area: Off Market Date: **1/7/2014**  
List\$/SqFt: **\$157.41** Sold\$/SqFt: **\$157.41**  
Days on Market (Total): **137** Days on Market (Office): **137**

**Property Features**

Rooms: **4** Style: **Townhouse**  
Bedrooms: **2** Type: **Condo**  
Baths: **1 1/2** Unit Level **2**  
Master Bath: Placement: **Middle**  
Fireplaces: **0** Apprx Living Area: **1080**  
sq.ft.  
Year Built: **2013** Outdoor Space Avail: **Yes - Common**  
# Units: **132** Garage: **1 Under**  
Elevator: **No** Parking: **1 Deeded, Paved Driveway**



Handicap Access/Features:

Association: **Yes** Fee: **\$136.59**

Fee Includes: **Master Insurance, Exterior Maintenance, Landscaping, Snow Removal, Refuse Removal**

**Room Descriptions**

Room	Level	Size	Features
Living Room:	1	14x12	Flooring - Wall to Wall Carpet
Kitchen:	1	18x12	Flooring - Vinyl, Balcony / Deck, Stainless Steel Appliances
Master Bedroom:	2	15x11	Flooring - Wall to Wall Carpet
Bedroom 2:	2	14x10	Flooring - Wall to Wall Carpet
Bath 1:	1		Bathroom - Half

**Features & Other Information**

Appliances: **Microwave, Dishwasher - ENERGY STAR, Range - ENERGY STAR**  
Basement: **Yes**  
Construction: **Frame**  
Cooling: **Central Air, Individual**  
Electric: **Circuit Breakers**  
Exclusions:  
Exterior: **Vinyl**  
Exterior Features: **Deck, Deck - Vinyl, Screens, Professional Landscaping, Sprinkler System**  
Facing Direction:  
Heating: **Central Heat, Forced Air, Gas, Individual**



Bath 2: 2 Bathroom - Full Document Page 9 of 12  
 Hot Water: Natural Gas, Tankless  
 Interior Features: Cable Available  
 Lead Paint: None  
 Pets Allowed: Yes w/ Restrictions  
 Sewer Utilities: City/Town Sewer  
 Water Utilities: City/Town Water  
 Waterfront: No  
 Short Sale w/Lndr.App.Reg: No  
 Lender Owned: No

**Remarks**

~BARRETT FARMS~ LAST Affordable Rate Unit Left!!! Brand New Quality Built 'Affordable' TownHome by Premier Builder. Affordable Unit! Great Price! Great Location! Minutes to Train Station and Major Highways. Large Eat-In Kitchen w/ Stainless Steel Appliances & Slider Leading to Trex Deck. Laundry is Conveniently Located on the 2nd Floor. One Car Garage w/ Plenty of Storage. Income Restrictions Apply. No Lottery Necessary...Apply...Qualify...Move into the HOME of Your Dreams!!! SEE QUALIFICATION GUIDELINES & APPLICATION ATTACHED.

**Tax Information**

2013 Taxes: \$0 Assessment: \$0 Cert: Zoning Code: res  
 Pin #: Map: Block: Lot: Book: 17650 Page: 198

The information in this listing was gathered from third party sources including the seller and public records. MLS Property Information Network and its subscribers disclaim any and all representations or warranties as to the accuracy of this information. Content ©2014 MLS Property Information Network, Inc.

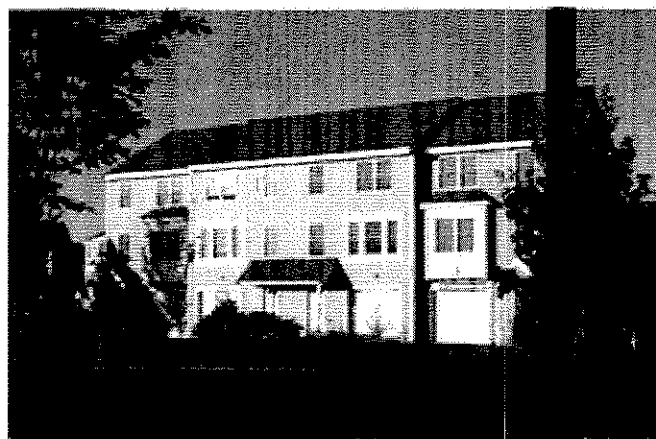
**Property Descriptions**  
**Prepared for Mr. Jason N. Vecchiarello**

**41 Boston Rd - Unit 311**  
**Billerica, MA 01821**  
**Condo**

MLS #: 71642102 Status: Sold  
 List Price: \$170,000 Sale Price: \$170,000  
 List Date: 3/8/2014 Sale Date: 5/23/2014  
 Area: Off Market Date: 3/16/2014  
 List\$/SqFt: \$166.67 Sold\$/SqFt: \$166.67  
 Days on Market (Total): 8 Days on Market (Office): 8

**Property Features**

Rooms: 4 Style: Townhouse  
 Bedrooms: 2 Type: Condo  
 Baths: 1f 1h Unit Level 1  
 Master Bath: Placement: End  
 Fireplaces: 0 Apprx Living Area: 1020 sq.ft.  
 Year Built: 2005 Outdoor Space Avail: Yes - Common  
 # Units: 132 Garage: 1 Under, Garage Door Opener, Deeded



Elevator:

Driveway

Handicap Access/Features:

Association: Yes Fee: \$136.59

Fee Includes: Master Insurance, Exterior

Maintenance, Landscaping, Snow Removal, Refuse Removal

**Room Descriptions****Features & Other Information**

Room	Level	Size	Features	Appliances: Range, Dishwasher, Microwave, Range - ENERGY STAR
Living Room:		14x12	Flooring - Wall to Wall Carpet	Basement: Yes
Kitchen:		18x12	Flooring - Vinyl, Balcony / Deck	Construction: Frame
Master Bedroom:		15x11	Ceiling Fan(s), Flooring - Wall to Wall Carpet	Cooling: Central Air, Individual
Bedroom 2:		14x10	Ceiling Fan(s), Flooring - Wall to Wall Carpet	Electric: Circuit Breakers, 100 Amps
Bath 1:			Bathroom - Half, Flooring - Vinyl	Exclusions:
Bath 2:			Bathroom - Full, Flooring - Vinyl	Exterior: Vinyl
				Exterior Features: Deck - Composite, Screens, Professional Landscaping, Sprinkler System
				Facing Direction:
				Heating: Forced Air, Gas
				Hot Water: Natural Gas, Tank
				Interior Features: Cable Available
				Lead Paint: None
				Pets Allowed: Yes w/ Restrictions
				Sewer Utilities: City/Town Sewer
				Water Utilities: City/Town Water
				Waterfront: No
				Short Sale w/Lndr.App.Req: No
				Lender Owned: No

**Remarks**

~BARRETT FARM "AFFORDABLE" TOWNHOME~ Subject To 40B Guidelines & Deed Rider. Deed Restrictions Apply & Unit Must Be Owner Occupied, BUT Income Guidelines & Asset Limitations DO NOT Apply! This Is A Rare Opportunity to Own An "Affordable" END-UNIT Townhome w/ Universal Deed Rider. Quality Built End-Unit TownHome In Beautiful Barrett Farm Situated w/ Huge Common Area Greens Directly In Front of Unit, Perfect For Recreation or Relaxing w/ Friends & Family. FHA & MassHousing Approved. Great Price! Great Location! Minutes to Train Station and Major Highways. Energy Efficient Unit w/ Large Eat-In Kitchen w/ Custom Oak Cabinets, Stainless Steel Appliances & Slider Leading to Trex Deck. Laundry is Conveniently Located on the 2nd Floor. 1-Car Garage w/ Plenty of Storage. Call List Agent For More Details & For Short Application. Hurry This Opportunity Will Not Last!

**Tax Information**

2013 Taxes: \$2179 Assessment: \$152,300

Cert: 00011007 Zoning Code: 3

Pin #: M:0004 B:0007 L:1-311

Map: Block: Lot: Book: 19857 Page: 26

The information in this listing was gathered from third party sources including the seller and public records. MLS Property Information Network and its subscribers disclaim any and all representations or warranties as to the accuracy of this information. Content ©2014 MLS Property Information Network, Inc.

**Sold Properties Graph****Prepared for Mr. Jason N. Vecchiarello**

\$200,000

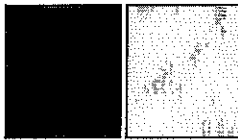
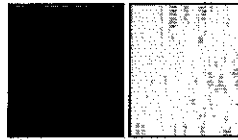
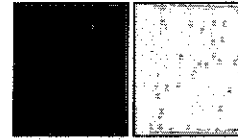
■ List Price vs. Sale Price

\$150,000

\$100,000

\$50,000

\$0

**1****2****3**

	<b>Address</b>	<b>City</b>	<b>Days onMarket</b>	<b>List Price</b>	<b>Sale Price</b>
<b>1</b>	41 Boston Rd Unit:113	Billerica, MA	84	\$170,000	\$168,000
<b>2</b>	41 Boston Unit:463	Billerica, MA	137	\$170,000	\$170,000
<b>3</b>	41 Boston Rd Unit:311	Billerica, MA	8	\$170,000	\$170,000

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF MASSACHUSETTS**

\*\*\*\*\*

**IN RE:**

**JASON N. VECCHIARELLO,  
DEBTOR**

**CHAPTER 13**

**CASE NO. 14-41493 MSH**

\*\*\*\*\*

**ORDER AVOIDING JUDICIAL LIEN**

This matter having come before the Court on the Debtor's Motion to Avoid Judicial Lien (the "Motion") in which the Debtor seeks to avoid the judicial lien of Midland Funding LLC encumbering the property at 81 Salem Road, Unit 64, Billerica, Massachusetts and recorded at the Middlesex North District Registry of Deeds Book 27684, Page 193, and after due consideration, the Motion is ALLOWED, subject to the following conditions:

1. The judicial lien of Midland Funding LLC is avoided pursuant to 11 U.S.C. §522(f).
2. Pursuant to 11 U.S.C. §349(b)(1)(B) said judicial lien shall be reinstated if the case is dismissed unless the Court, for cause, subsequently orders otherwise.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Melvin S. Hoffman,  
United States Bankruptcy Court Judge